IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6758 of 1997
With
SPECIAL CIVIL APPLICATION No. 6881 of 1997

For Approval and Signature:

HONOURABLE MS. JUSTICE R.M.DOSHIT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NACHIKET PROPERTIES PRIVATE LTD. - Petitioner(s)
Versus
L M SUD & 10 - Respondent(s)

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Appearance :
MR AS VAKIL for Petitioner(s) : 1,
MR AJ PATEL for Respondent(s) : 1,
MS MINI NAIR, AGP for Respondent(s) : 2,
NOTICE SERVED for Respondent(s) : 3,
DELETED for Respondent(s) : 4,
MR MC BHATT for Respondent(s) : 5, 5.2.1,5.2.2
MR YH MOTIRAMANI for Respondent(s) : 6 - 7.
MR AMAR N BHATT for Respondent(s) : 8 - 11.

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CORAM : HONOURABLE MS. JUSTICE R.M.DOSHIT

Date : 10/09/2007

COMMON ORAL JUDGMENT

Special Civil Application No.6758/1997 has been preferred by Nachiket Cooperative Housing Society Limited, the applicant in Revision Application No.34/1995.

Special Civil Application No.6881/1997 has been preferred by Rajnath Infrastructure Private Limited (the successor-in-interest of Shree Kala Cooperative Housing Society Limited, the applicant in Revision Application No.35/1995).

These two petitions are preferred against the common judgment and order dated 29th July, 1997 made by the State Government [Additional Chief Secretary (Appeals), Revenue] in Revision Applications Nos.30/1995, 34/1995 and 35/1995. The subject matter of dispute are the revenue entries nos.6137 and 6143 made in respect of the lands situated at village Thaltej, Taluka Dascroi, District Ahmedabad. The respondents nos.4 and 5, namely, Moghiben and Sitaben

are the widowed daughters-in-law of the deceased Gabhaji Ganaji, the original owner of the disputed lands. Since the death of the said Gabhaji Ganaji, his sons Galaji Gabhaji and Laxmanji Gabhaji claimed title over the disputed lands as the heirs of the said Gabhaji Ganaji. The respondents nos.6 and 7, namely, Chunnilal Bhikhabhai and Pravinkumar Chunnilal claimed title over the said lands under the Will executed by the said Gabhaji Ganaji.

The above referred entry no.6137 was made in village form no.6 on 8th July, 1986 to enter the names of Galaji Gabhaji and Laxmanji Gabhaji, the sons of the said Gabhaji Ganaji, as his heirs. Entry no.6143 was made in village form no.6 on 12th July, 1986 to record the bequest made by the said Gabhaji Ganaji to the respondents nos.6 and 7 under the Will. The petitioners are the purchasers of the disputed lands from the respondents nos.6 and 7.

The learned advocates Mr.Vakil appearing for the petitioners, Mr.Bhatt appearing for the respondents nos.4 and 5 and Mr.Motiramani appearing for the

respondents nos.6 and 7 do agree that the matters at dispute have been settled amongst the parties. Copy of the settlement documents are produced on the records of this petition at pp.75 to 106.

In view of the above referred settlement, the petitions are allowed. The impugned judgment and order dated 29th July, 1997 passed by the State Government in Revision Applications Nos.30/1995, 34/1995 and 35/1995 is quashed and set-aside. The revenue entry no.6137 made on 8th July, 1986 be cancelled. The revenue entry no.6143 entered on 12th July, 1986 be confirmed. Rule nisi issued in each petition is made absolute in the above terms. The parties will bear their own cost. Interim orders stand vacated.

Registry will maintain copy of this judgment in each petition.

(Ms. R.M.Doshit, J.)

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